

NB:JJD/LTG
F. #2015R01885

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

CHRISTOPHER MCPARTLAND and
THOMAS J. SPOTA,

Defendants.

- - - - -X

THE GRAND JURY CHARGES:

INDICTMENT

Cr. No. **CR-17 0587**
(T. 18, U.S.C., §§ 1503(a), 1503(b)(3),
1512(b)(1), 1512(b)(2)(A), 1512(b)(3),
1512(c)(2), 1512(k), 2, 3 and 3551 et seq.)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 25 2017 ★
LONG ISLAND OFFICE

INTRODUCTION

AZRACK, J.
SHIELDS, M.J.

At all times relevant to this Indictment, unless otherwise indicated:

1. The defendant THOMAS J. SPOTA was the Suffolk County District Attorney.

2. The defendant CHRISTOPHER MCPARTLAND was the Chief of Investigations and the Chief of the Government Corruption Bureau for the Suffolk County District Attorney's Office ("SCDAO").

3. James Burke ("Burke") was the Chief of Department of the Suffolk County Police Department ("SCPD") from January 2012 until November 2015.

4. On or about December 14, 2012, within the Eastern District of New York, John Doe, an individual whose identity is known to the Grand Jury, was arrested on suspicion of burglarizing motor vehicles, including a motor vehicle (the "vehicle") issued to

and possessed by Burke. Thereafter, John Doe was transported to the Fourth Precinct of the SCPD, placed inside of an interview room, and handcuffed to a permanent fixture inside of the room.

5. Later that day, Burke and other members of the SCPD entered the interview room and assaulted John Doe. Thereafter, John Doe confessed to the burglary of the vehicle. Initially, the Government Corruption Bureau of the SCDAO, supervised by the defendant CHRISTOPHER MCPARTLAND, who reported directly to the defendant THOMAS J. SPOTA, prosecuted John Doe. Subsequently, John Doe alleged that his confession was involuntary because, in part, he had been beaten by Burke, and a special prosecutor was then assigned to the prosecution.

6. In or about April 2013, the United States Attorney's Office for the Eastern District of New York ("USAO-EDNY") and the Federal Bureau of Investigation ("FBI") initiated a federal grand jury investigation of the December 14, 2012 assault of John Doe (the "Federal Investigation"). Thereafter, the scope of the Federal Investigation was expanded to include the investigation of obstruction and attempted obstruction of justice offenses, which investigation continued until the date of this Indictment.

7. On or about June 25, 2013, FBI special agents served members of the SCPD with federal grand jury subpoenas, and, that same day, the defendants CHRISTOPHER MCPARTLAND and THOMAS J. SPOTA were informed of both the existence of the Federal Investigation and the service of the federal grand jury subpoenas.

8. Between December 2012 and the present, the defendants CHRISTOPHER MCPARTLAND and THOMAS J. SPOTA, together with others, including Burke, and other members of the SCPD, had numerous meetings and telephone conversations wherein they discussed the assault of John Doe, John Doe's allegations against Burke and the Federal Investigation. In those meetings and during those telephone conversations, MCPARTLAND, SPOTA, Burke and other members of the SCPD agreed to conceal Burke's role in the assault and to obstruct and attempt to obstruct the Federal Investigation to protect Burke. More particularly, MCPARTLAND, SPOTA, Burke and others obstructed and attempted to obstruct the Federal Investigation by, among other means, using intimidation, threats and corrupt persuasion to pressure one or more witnesses, including co-conspirators, not to cooperate with the Federal Investigation, to provide false information, including false testimony under oath, and to withhold relevant information from the USAO-EDNY, FBI and the Federal Grand Jury investigating the assault of John Doe.

COUNT ONE

(Conspiracy to Tamper with Witnesses and Obstruct an Official Proceeding)

9. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth in this paragraph.

10. In or about and between December 2012 and the date of this Indictment, both dates being approximate and inclusive, within the Eastern District of New York, the defendants CHRISTOPHER MCPARTLAND and THOMAS J. SPOTA, together with others, did knowingly and intentionally conspire to: (a) use intimidation, threaten and corruptly persuade one or more persons with intent to: (i) influence, delay and prevent the testimony of

one or more persons in an official proceeding, to wit: the Federal Investigation, contrary to Title 18, United States Code, Section 1512(b)(1); (ii) cause and induce one or more persons to withhold testimony from an official proceeding, to wit: the Federal Investigation, contrary to Title 18, United States Code, Section 1512(b)(2)(A); and (iii) hinder, delay and prevent the communication to one or more law enforcement officers of the United States, to wit: Special Agents of the FBI and prosecutors of the USAO-EDNY, of information relating to the commission and possible commission of a Federal offense, to wit: the assault of John Doe thereby depriving John Doe of his right to be free from excessive force, in violation of Title 18, United States Code, Section 242, contrary to Title 18, United States Code, Section 1512(b)(3); and (b) corruptly obstruct, influence and impede an official proceeding, to wit: the Federal Investigation, contrary to Title 18, United States Code, Section 1512(c)(2).

(Title 18, United States Code, Sections 1512(k) and 3551 et seq.)

COUNT TWO

(Witness Tampering and Obstruction of an Official Proceeding)

11. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth in this paragraph.

12. In or about and between December 2012 and the date of this Indictment, both dates being approximate and inclusive, within the Eastern District of New York, the defendants CHRISTOPHER MCPARTLAND and THOMAS J. SPOTA, together with others, did knowingly and intentionally: (a) use intimidation, threaten and corruptly persuade one or more persons, and attempt to do so, with intent to: (i) influence, delay and prevent the testimony of one or more persons in an official proceeding, to wit: the Federal Investigation;

(ii) cause and induce one or more persons to withhold testimony from an official proceeding, to wit: the Federal Investigation; and (iii) hinder, delay and prevent the communication to one or more law enforcement officers of the United States, to wit: Special Agents of the FBI and prosecutors of the USAO-EDNY, of information relating to the commission and possible commission of a Federal offense, to wit: the assault of John Doe thereby depriving John Doe of his right to be free from excessive force, contrary to Title 18, United States Code, Section 242; and (b) corruptly obstruct, influence and impede an official proceeding, to wit: the Federal Investigation, and attempt to do so.

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(A), 1512(b)(3), 1512(c)(2), 2 and 3551 et seq.)

COUNT THREE
(Obstruction of Justice)

13. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth in this paragraph.

14. In or about and between December 2012 and the date of this Indictment, both dates being approximate and inclusive, within the Eastern District of New York, the defendants CHRISTOPHER MCPARTLAND and THOMAS J. SPOTA, together with others, did knowingly, intentionally and corruptly influence, obstruct and impede, and endeavor to influence, obstruct and impede, the due administration of justice, to wit: the Federal Investigation.

(Title 18, United States Code, Sections 1503(a), 1503(b)(3), 2 and 3551 et seq.)

COUNT FOUR

(Accessory After the Fact to the Deprivation of John Doe's Civil Rights)


15. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth in this paragraph.

16. In or about and between December 2012 and the date of this Indictment, both dates being approximate and inclusive, within the Eastern District of New York, the defendants CHRISTOPHER MCPARTLAND and THOMAS J. SPOTA, knowing that an offense against the United States had been committed, to wit: the assault of John Doe thereby depriving John Doe of his right to be free from excessive force, in violation of Title 18, United States Code, Section 242, did knowingly and intentionally receive and assist one or more offenders, in order to hinder and prevent the offenders' apprehension, trial and punishment.

(Title 18, United States Code, Sections 3 and 3551 et seq.)

A TRUE BILL


FOREPERSON


BRIDGET M. ROHDE
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #2015R01885
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

CHRISTOPHER MCPARTLAND and THOMAS J. SPOTA,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 1503(a), 1503(b)(3), 1512(b)(1), 1512(b)(2)(A), 1512(b)(3),
1512(c)(2), 1512(k), 2, 3 and 3551 et seq.)

A true bill.

David Schirmer

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Lara Treinis Gatz/John J. Durham, Assistant U.S. Attorneys